

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBIN LOUISE FULTZ,	:	CIVIL NO. 1:14-CV-0427
Plaintiff		
v.	:	(Judge Rambo)
CAROLYN W. COLVIN, Acting Commissioner of Social Security,	:	(Magistrate Judge Cohn)
Defendant		:

M E M O R A N D U M

Before the court is a report and recommendation of the magistrate judge (Doc. 20) in which he recommends that this court affirm the decision of the acting Commissioner of Social Security to deny Plaintiff's disability benefits claim. Plaintiff has filed objections to the report and recommendation to which the acting Commissioner has responded. For the reasons stated below, the report and recommendation will be adopted.

Plaintiff sets forth the following objections: (1) the Administrative Law Judge (ALJ) failed to properly weigh the medical evidence; (2) the ALJ failed to properly evaluate Plaintiff's credibility; and (3) the ALJ failed to adequately consider Plaintiff's obesity. (Doc. 21.)¹ These objections will be discussed below.

¹As the Acting Commissioner notes, these issues are the same issues Plaintiff raised in her initial brief.

I. Weight of the Medical Evidence

The magistrate judge gave a detailed review of the following medical opinions: Harry H. Densmore, Jr., M.D. (Doc. 20 at pp. 4-7); Rosik B. Parmar, M.D. (Doc. 20 at p. 7); Michael Murray, M.D. (Doc. 20 at pp. 8-18); Geraldine Idoniboye, M.D. and Kelly Horner, Therapist (Doc. 20 at pp. 18-19); Nitin V. Sheth, M.D. (Doc. 20 at pp. 19-23); Nicholas E. Brink, Ph.D. (Doc. 20 at pp. 23-24); Juan B. Mari-Mayans, M.D. (Doc. 20 at pp. 24-25); and Arlene Rattan, Ph.D. (Doc. 20 at p. 25). Based on this thorough examination of the medical evidence, the magistrate judge correctly opined that the evidence was substantial to support a conclusion to deny disability benefits.

II. Credibility Determination

The magistrate judge noted that the ALJ credited the severity of Plaintiff's impairments when substantiated by objective medical evidence. For those impairments which were not substantial by objective medical evidence, the ALJ's determination of Plaintiff's credibility was based on the factors enumerated in SSR 96-7p. in totality (Doc. 20 at p. 36). Based on this, the magistrate judge found that the ALJ did not err in the credibility finding. This court agrees.

III. Obesity

The ALJ found that Plaintiff's obesity was a severe impairment. However, the magistrate judge noted that Plaintiff had not expressly relied on obesity as a basis for establishing functional limitations in these proceedings. While the ALJ found that obesity was a severe impairment, the treatment records were silent with

regard to any functional limitation related to obesity. In any event, the ALJ's finding that obesity in this case was severe but not disabling was included in the ALJ's finding that Plaintiff was limited to performing a modified range of light work.

IV. Conclusion

For the reasons stated above, Plaintiff's objections to the report and recommendation will be overruled and the report and recommendation will be adopted. An appropriate order will be issued.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: April 21, 2015.